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7 *Plaintiff Zoya Kovalenko*

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 ZOYA KOVALENKO,

12 *Plaintiff,*

13 v.

14 KIRKLAND & ELLIS LLP, MICHAEL
15 DE VRIES, MICHAEL W. DEVRIES,
16 P.C., ADAM ALPER, ADAM R. ALPER,
P.C., AKSHAY DEORAS, AKSHAY S.
DEORAS, P.C., AND MARK FAHEY,

17 *Defendants.*

Case No. 4:22-cv-05990-HSG

**DECLARATION OF ZOYA
KOVALENKO IN SUPPORT OF
PLAINTIFF'S OPPOSITION AND
REPLY TO FILIPPATOS PLLC AND
HENNIG KRAMER LLP'S CROSS-
MOTIONS TO WITHDRAW AND
COMPEL ARBITRATION,
"PRELIMINARY STATEMENT IN
OPPOSITION," AND REQUEST FOR
EVIDENTIARY HEARING**

Re: Dkt. Nos. 177, 171

Hearing noticed for Thursday, March 20, 2025,
at 2:00 pm, before the Honorable Haywood S.
Gilliam, Jr., United States District Judge, at
1301 Clay Street, Fourth Floor, Courtroom 2,
Oakland, California 94612

**DECLARATION OF ZOYA KOVALENKO IN SUPPORT OF PLAINTIFF'S
OPPOSITION AND REPLY TO FILIPPATOS AND HENNIG KRAMER'S CROSS-
MOTIONS TO WITHDRAW AND COMPEL ARBITRATION, PRELIMINARY
STATEMENT IN OPPOSITION, AND REQUEST FOR EVIDENTIARY HEARING**

I, Zoya Kovalenko, declare as follows:

1. I am the plaintiff in this action, *Kovalenko v. Kirkland & Ellis LLP*, No. 4:22-cv-05990-HSG (N.D. Cal.). I submit this declaration in support of and as an attachment to Plaintiff's Opposition and Reply to [177] Filippatos PLLC's and Hennig Kramer LLP's Notice of Cross-Motions to Withdraw as Counsel and to Compel Arbitration, Preliminary Statement in Opposition, and Request for Evidentiary Hearing Ex Parte.

2. I am familiar with the facts and circumstances of this litigation. I know the facts set forth in this declaration to be true of my own personal knowledge. If called as a witness, I could and would testify competently to the matters set forth in this declaration.

3. I am an attorney duly licensed to practice in the state of California. My California State Bar number is 338624. I am and have been admitted to practice before this Court since September 23, 2022. On November 4, 2022, I filed a Notice of Appearance, Dkt. No. 11, as counsel for plaintiff in this action ("Plaintiff") (i.e., myself). I have not filed any notice to withdraw or substitute my appearance in this action.

4. I terminated Filippatos for cause on January 23, 2025, and notified Filippatos of the same via email to Parisi (Gerry) Filippatos, the name partner of Filippatos, and to Tanvir Rahman, a partner at Filippatos who had appeared on my behalf in this action, Dkt. No. 109. Mr. Filippatos acknowledged receipt of this termination-for-cause email by responding to the same on January 23, 2025. On January 28, 2025, Mr. Filippatos emailed me a purported "Termination Letter" and "Attorney Lien and Bill of Costs." Attached hereto as **Attachment A** is a true and correct copy of email correspondence between me and Filippatos PLLC ("Filippatos"), including this January 28, 2025 email from Mr. Filippatos attaching the purported "Termination Letter" and "Attorney Lien and Bill of Costs." Attached hereto as **Attachment B** and **Attachment C** are true and correct copies of the purported "**Termination Letter**" and purported "**Attorney Lien and** KOVALENKO DECLARATION ISO PLAINTIFF'S OPPOSITION AND REPLY TO FILIPPATOS AND HENNIG KRAMER'S CROSS-MOTIONS TO WITHDRAW AND "PRELIMINARY STATEMENT IN OPPOSITION" NO. 4:22-CV-05990-HSG

1 **Bill of Costs,”** respectively, which Mr. Filippatos attached to this January 28, 2025 email,
 2 Attachment A. The first (and only) bill I ever received from Filippatos was this Attachment C on
 3 January 28, 2025. Prior to January 28, 2025, I had not been notified of any costs due or payable
 4 to Filippatos. Filippatos notified me of these purported costs appearing in Attachment C hereto
 5 in the same email transmittal in which Filippatos also asserted its purported charging and retaining
 6 lien on January 28, 2025. Attachs. A & C. As of today, February 14, 2025, I have yet to notify
 7 Filippatos of any intent to refuse to pay these purported costs included in the Attorney Lien and
 8 Bill of Costs (Attachment C hereto). So, it is inaccurate for Filippatos to contend that there is and
 9 has been a live fee dispute over these particular costs.

10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]

13 6. [REDACTED]
 14 [REDACTED] I have received minimal
 15 communications between Filippatos and opposing counsel and do not know whether Filippatos is
 16 withholding important or pertinent communications with opposing counsel. For example, I do not
 17 know if Filippatos has made representations or even promises to opposing counsel regarding
 18 discovery or other issues in the case in such withheld communications. Being kept in the dark
 19 regarding any such communications, including their contents, places me at a disadvantage in this
 20 lawsuit as I am forced to operate with gaps in information that the defendants in this action
 21 (“Defendants”) have. Additionally, I do not believe Filippatos has provided me with every single
 22 final, bates-stamped document that it has produced on my behalf. [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 7. Paying the purported outstanding legal costs or posting a bond would impose a
 26 financial hardship on me, given I have been unemployed since being terminated in 2021.

27 8. Correspondence with Filippatos in the weeks leading up to my decision to
 28 terminate it for cause demonstrates a concerted effort by Filippatos to impermissibly rush and
 KOVALENKO DECLARATION ISO PLAINTIFF’S OPPOSITION AND REPLY TO FILIPPATOS AND HENNIG
 KRAMER’S CROSS-MOTIONS TO WITHDRAW AND “PRELIMINARY STATEMENT IN OPPOSITION”
 No. 4:22-cv-05990-HSG

1 force me [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED] For example, after receiving opposing counsel's [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] Filippatos's concerted efforts to undermine my

11 [REDACTED] authority and [REDACTED]

12 [REDACTED] is further evidenced by [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED] Filippatos's impatience

26 and pressure campaign to [REDACTED] despite my express concerns with various

27 material [REDACTED]

28 [REDACTED]

[REDACTED]

[REDACTED] Prior to my short vacation, [REDACTED]
[REDACTED] but I was unable to comfortably finalize [REDACTED]
[REDACTED] before leaving. After my vacation started and knowing I was out of town on
vacation, Filippatos sent a series of progressively unprofessional and unhinged emails. [REDACTED]

[REDACTED]

[REDACTED] Rather than simply wait for me to return from my brief trip,

[REDACTED]

From: Gerry Filippatos <pgf@filippatoslaw.com>
Date: Thursday, January 23, 2025 at 7:47 AM
To: Zoya Kovalenko <zoyavk@outlook.com>, Tanvir Rahman <TRahman@filippatoslaw.com>
Subject: RE: fees

Zoya,

A new day has dawned – is the dog still eating your homework or has it by now regurgitated it and you're busy restoring it. Let me know whether I should busy myself preparing my application to the Court seeking to be relieved as your counsel while asserting all liens against you? The choice is yours: stop playing games or continue your current course and suffer the consequences, Thank you,

Best,



10. To put Filippatos's efforts to pressure [REDACTED] and its distorted perception of time in context, it took Defendants around 13 days [REDACTED]

[REDACTED] Conversely, I provided to Filippatos detailed comments and extensive edits [REDACTED]

[REDACTED] with one week [REDACTED]

[REDACTED] and I provided [REDACTED]

[REDACTED] around 11 days after receiving [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED] Again, if you don't like it -- fire us!"
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED] make time to meet with Tanvir and [Mr. Filippatos] this
17 evening – the conclusion of which will be [REDACTED]
18 [REDACTED] you firing us or us firing you [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED] However, to my knowledge, no such
26 status update has been provided to the Court, and I am unaware of any discussions between
27 Filippatos and opposing counsel agreeing to submit a status update to the Court.
28

1 13. Filippatos has apologized to me in writing for its unprofessional behavior and
2 affirmed in writing that it had previously apologized to me for another instance of its
3 unprofessional behavior. Attached hereto as **Attachment F** is a true and correct copy of
4 correspondence between me and Filippatos in January 2024, including an email from Mr. Rahman
5 on January 11, 2024 in which he apologized to me, stating: “Zoya – I apologize if I made you feel
6 belittled or demeaned. I let my frustration get the best of me, and for that I am sorry.” Attach. F
7 at 2. [REDACTED] grossly diluting [REDACTED]

8 [REDACTED] Mr. Filippatos still admitted to
9 acting unprofessionally [REDACTED] and to having previously apologized
10 to me for acting unprofessionally [REDACTED]

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 [REDACTED] I provided the
23 Court with additional detail regarding Filippatos’s abusive and unprofessional misconduct [REDACTED]

1 [REDACTED] in my prior declaration, Unredacted Kovalenko Decl. ISO Mot. Notice Termination, ¶¶
2 10–13, Dkt. No. 176-4.

3 14. The arbitration language in the retainer agreement between me and Filippatos
4 (Kovalenko Decl. ISO Mot. Notice Termination, Attach. B (Retainer Agreement) at 3–4, Dkt. No.
5 171-3) was drafted by Filippatos.

6 I declare under penalty of perjury that the foregoing is true and correct.

7 Executed in Germantown, Maryland on February 14, 2025.

8 /s/ Zoya Kovalenko
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